

**MINUTES**  
**Town of Crested Butte**  
**Regular Town Council Meeting**  
**Monday, June 7, 2021**

Mayor Schmidt called the meeting to order at 6:01PM.

Council Members Present: Will Dujardin, Chris Haver, Mona Merrill, Mallika Magner, and Jason MacMillan

Jasmine Whelan was appointed to the Council during the meeting. The first motion on which she voted was to approve Ordinance No. 8, Series 2021 during the public hearing.

Staff Present: Town Attorney John Sullivan, Town Manager Dara MacDonald, and Community Development Director Troy Russ

Finance Director Rob Zillioux, Town Clerk Lynelle Stanford, Town Planner II Mel Yemma, Parks, Recreation, Open Space, and Trails Director Janna Hansen, and Public Works Director Shea Earley (for part of the meeting)

The meeting was held in person. MacMillan and Merrill connected to the meeting on Zoom.

**APPROVAL OF AGENDA**

Haver moved and Dujardin seconded a motion to approve the agenda. A roll call vote was taken with all voting, "Yes," except for Merrill and MacMillan, who were not yet present to vote. **Motion passed unanimously.**

**EXECUTIVE SESSION**

Schmidt read the reason for Executive Session: for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding possible land acquisition and Verzuh Open Space.

Magner moved and Haver seconded a motion to go into Executive Session. A roll call vote was taken with all voting, "Yes," except for Merrill and MacMillan, who were not yet present to vote. **Motion passed unanimously.**

Merrill and MacMillan arrived at the meeting on Zoom after the motion to go into Executive Session.

The Council went into Executive Session at 6:04PM. The Council returned to open meeting at 7:12PM. Mayor Schmidt made the required announcement upon returning to open meeting.

## **CONSENT AGENDA**

1) May 17, 2021 Regular Town Council Meeting Minutes.

*Staff Contact: Town Clerk Lynelle Stanford*

2) May 26, 2021 Special Town Council Meeting Minutes.

*Staff Contact: Town Clerk Lynelle Stanford*

3) Alpenglow Special Event Application for Outdoor Concerts on June 21 and 28; July 5, 12, 19, and 26; and August 2, 9, and 16, 2021 Located on Town Property at the Town Park Field in Front of The Center for the Arts' Stage.

*Staff Contact: Town Clerk Lynelle Stanford*

4) Black and White Ball 2021 Special Event Application for June 27, 2021 Utilizing the Parking Area at Town Hall (with the Exception of the Electric Vehicle Charging Station that will Remain Available) with a Rolling Parade-Like Closure Starting on 5<sup>th</sup> Street to Maroon Avenue (Heading West) to 4<sup>th</sup> Street to Whiterock to 3<sup>rd</sup> Street to the Big Mine Park Including a Short Stop to 2<sup>nd</sup> Street to Butte Avenue to 1<sup>st</sup> Street to Maroon Avenue to 5<sup>th</sup> Street to Gothic Avenue to 8<sup>th</sup> Street to Rainbow Park Including a Short Stop, from Rainbow Park to Elk Avenue to 1<sup>st</sup> Street with Short Stops on Elk Avenue to 1<sup>st</sup> Street to Maroon Avenue Back to 5<sup>th</sup> Street with a Short Stop at the Parking Area at Town Hall.

*Staff Contact: Town Clerk Lynelle Stanford*

5) West Elk Soccer Association Community Grant Award.

*Staff Contact: Finance Director Rob Zillioux*

6) Letter to Gunnison County Electric Association Regarding Changes to Net Metering.

*Staff Contact: Community Development Director Troy Russ*

7) Resolution No. 9, Series 2021 - A Resolution of the Crested Butte Town Council Terminating Declaration of a Local Disaster Emergency Due to Covid-19 Pandemic.

*Staff Contact: Town Manager Dara MacDonald*

8) Resolution No. 10, Series 2021 - A Resolution of the Crested Butte Town Council Authorizing the Grant of a Revocable License to JF Hermanson LLC, A Colorado Limited Liability Company to Encroach into the Right-Of-Way of Elk Avenue and the Alley to the South to Serve to Lots 9-25, Block 30, Town of Crested Butte.

*Staff Contact: Community Development Director Troy Russ*

Magner moved and Haver seconded a motion to approve the Consent Agenda. A roll call vote was taken with all voting, "Yes." Motion passed unanimously.

## **APPOINTMENT OF A TOWN COUNCIL MEMBER**

Ian Billick reported to be a long time resident of the valley. He had been to three or four Town meetings and a couple of planning meetings, responding to a question from Schmidt. He was super committed to housing. Billick informed the Council that he was interested in climate change and housing. The Community Compass project would be a chance to do fascinating things. Magner asked Billick to identify something fascinating that would come from the Community Compass. Housing was his top issue. He thought the key was transparency, responding to questioning on conflicts of interest. Billick answered Dujardin's question regarding housing. MacMillan asked him about conservation versus development related to the housing issue.

Shaun Horne had seen two Town Council meetings in the last year and another ten meetings start to finish in the past. He made a pledge to do his homework and reading. His attendance would be good. Horne thought it would be valuable for the Town to have someone to take the vacancies that continually popped up. Horne would like to improve the experience of being on Town Council. Dujardin asked Horne how he would walk the walk pertaining to housing. Horne did not have a strong sense of how to solve the housing problems. He recognized serving on the Council was difficult.

Jerry Lund had been watching Town Council for decades. He wanted to look at strategic plans for affordable housing, traffic, and parking. He would commit to being a prepared participant. Dujardin asked Lund whether he would run for Council in the fall. Lund would consider it, but he could not commit to it. His experience on Town Council would be his guide.

Billick affirmed his intent would be to commit. Horne said he would, too.

Jasmine Whelan considered it an honor and privilege to be a part of the community. She saw people pushed out of the valley. She outlined background regarding her past career. She was not a stranger to policy deep dives. Whelan reported that she was a bartender and manager at The Dogwood. She knew a lot of people in the community. Her position at the nexus would help in being a bridge to bring in people the most affected. This meeting was her first Council meeting. Whelan acknowledged that being engaged was important to finding solutions. She was committed to doing the research. She was ready to step up, and she thanked for the opportunity. Whelan was serious about finding a solution, and she confirmed she would run in the election in November. She thought there was a large population needed in the workforce that was not ready for home ownership. The Council would need to look at higher density housing for workers. She stated community engagement was key, while recognizing that funding would always be an issue.

Lindsey Freeburn, Cole Thomas, David Wilkins (Owner of The Divvy), David Van Atta, Olivia Haas, and Eric Rankin spoke voicing support for Whelan. Kim Orsborn spoke in support of Johnna Bernholtz, who was a candidate, and was not present at the meeting.

Dujardin supported the initiative shown by Whelan. He thought she was the best person to represent. He told the candidates to keep up with the involvement. Magner thanked

all for applying for the job. Schmidt recognized that people spoke well, and he pointed out there was an election coming up.

Magner moved and Dujardin seconded a motion to appoint Jasmine Whelan as the newest member of the Crested Butte Town Council. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Stanford administered the oath of office to Whelan. Whelan signed a hard copy of the oath.

### **PUBLIC COMMENT**

Jamie Watt - 620 Gothic in Mt. Crested Butte

- He brought up the food cart permits.
- He understood the limit was four.
- He pointed out there was a waiting list for the permits.
- He asked the Council to increase the number of permits based on the increase in population.
- Schmidt moved the discussion to Other Business.

### **STAFF UPDATES**

- Schmidt referred to the Manager's Report.
- MacDonald pointed out the information on the Gunnison Valley Promise. She asked whether the Council wanted to hear a presentation during a work session. Dujardin thought the Town should be a contributing municipality. Haver was supportive, and he thought the work session would be good for getting information out there.
- Regarding the Post Office, MacDonald said John Whitney was following up with members of Bennet's staff.
- Schmidt noted the alley and storm water improvements would not be completed this summer, and the improvements would be incorporated into a larger paving project in 2022.
- MacDonald explained The Chamber was still working through the details of 4<sup>th</sup> of July.
- MacDonald recognized Mike Reily had been doing work with the EOC and other agencies on evacuation planning.
- Schmidt acknowledged sales tax figures. Zillioux confirmed the RETT was up significantly.
- Schmidt asked about the Topsy Taxi. Zillioux stated they needed to round up the other contributing entities.
- Schmidt reminded the Council of the intergovernmental meeting in Mt. Crested Butte on June 30<sup>th</sup>.
- Haver mentioned upcoming community housing meetings and that a registration button was not functional.

- Kent Cowherd asked about movement on the new boat ramp. Hansen explained the project had been rebid, and she gave a longer period for submittal.

## **LEGAL MATTERS**

Sullivan told the Council that Town had difficulty getting a response of any kind, including a written report, from the inspector of The Center for the Arts, Todd Jilbert. The Town had not issued The Center for the Arts a certificate of occupancy (CO). Sullivan said they drafted and sent a demand letter, to which he responded immediately. Russ confirmed The Center had a temporary CO. Due to the cost of the damage, it would cause The Center, the best course of action was legal action against Jilbert.

## **PUBLIC HEARING**

**1) Ordinance No. 8, Series 2021 - An Ordinance of the Crested Butte Town Council Granting a Ground Lease to Gunnison County Electric Association, Inc. for the Installation of an Electric Vehicle Charging Station on a 20 Foot by 20 Foot Portion of the First Street and Elk Avenue Public Parking Lot.**

***Staff Contact: Town Planner II Mel Yemma***

Schmidt read the title of the ordinance. Yemma explained the lease was the same as leases for other charging stations around Town. The public hearing was opened. No one from the public chose to comment. The public hearing was closed.

Haver moved and Dujardin seconded a motion to approve Ordinance No. 8, Series 2021. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**2) Transfer of Hotel and Restaurant Liquor License to St. Terrence LLC DBA Breadery CB Located at 209 Elk Avenue.**

***Staff Contact: Town Clerk Lynelle Stanford***

Schmidt identified the Breadery CB was located at the former Django's. Meg Antonczyk was on Zoom and introduced herself. Schmidt asked what she planned to do. Antonczyk explained the Breadery CB would be a bake house and eatery. The Breadery would have happy hour and dinner until 9:30 or 10:00PM. She further described what types of food she would be serving.

Magner moved and Haver seconded a motion to grant the transfer of the Hotel and Restaurant liquor license to St. Terrence LLC DBA Breadery CB. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

## **NEW BUSINESS**

**1) Ordinance No. 9, Series 2021 - An Ordinance of the Crested Butte Town Council Amending Chapter 8, Articles 2 and 3, Updating Parking Regulations and Enforcement Practices Within the Town of Crested Butte.**

***Staff Contact: Community Development Director Troy Russ***

Schmidt read the title of the ordinance. Russ reviewed that the ordinance: expanded two-hour enforcement areas; introduced ten-minute parking areas in association with the seasonal one-way operation of Elk Avenue; introduced employee and resident parking areas; and changed parking violation penalties.

Russ explained the Staff recommendation was to set the ordinance for public hearing on June 21<sup>st</sup>. He clarified that the ordinance had nothing to do with whom received a permit. Dujardin asked about fees and ramifications for repeat offenders and Whelan about community outreach. Schmidt wondered about vehicles parked, such as trailers. Eric Rankin confirmed Town was outsourcing, and he questioned the cost. MacDonald identified the net cost to be \$30K. Cole Thomas confirmed Town would be spending money. Russ anticipated the project would be a revenue neutral project. Thomas wondered whether parking would be opened up for employees. Martha Keene was curious who would be handling enforcement. Russ explained that a parking management team would be actively enforcing parking. Russ outlined who would get permit parking. Wagner explained the plan was intended to help business owners. Keene questioned concerning the 1<sup>st</sup> and Elk parking lot and whether there was word out about the bus. Russ identified transit was a critical partner with parking. The discussion became focused on the 1<sup>st</sup> and Elk parking lot. Ian Billick was appreciative of Town taking the step and with having a flexible response. Rankin asked about public transit for people who were starting work early in the morning before the bus started running. Thomas said the increase in visitors had been really hard. He suggested incentivizing parking at the ski resort. Wagner conveyed input from a member of the public that the neighborhood parking permits be issued based on the number of vehicles registered to the address. Russ pointed out there would be a pool of extra permits.

Haver moved and Wagner seconded a motion to set Ordinance No. 9, Series 2021 for public hearing on June 21<sup>st</sup>. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**2) Ordinance No. 10, Series 2021 - An Ordinance of the Crested Butte Town Council Authorizing a Potable Water Service Agreement for Lot 5, Trapper's Crossing South, Gunnison County, Colorado.**

***Staff Contact: Public Works Director Shea Earley***

Schmidt read the title of the ordinance. Earley reminded the Council they talked about the agreement in February and directed that it should move forward. It appeared there would be no ill effect to the water system with the system they were proposing. Earley identified what the Town would receive in exchange and that the agreement would enable Town to acquire an easement to water and sewer.

Dujardin moved and Haver seconded a motion to set Ordinance No. 10, Series 2021 for public hearing on June 21<sup>st</sup>. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**3) A Request from Big Al's Bicycle Heaven, Requesting a New Land Use, Employee Dwelling, as a Conditional Use within the B-1 and B-3 Zone Districts with An Associated Parking Requirement. Discussion and Direction.**

**Staff Contact: Community Development Director Troy Russ**

Russ explained there was a request to amend the zoning ordinance, in which the applicant asked to create a new land use category for employee dwelling. The applicant was asking for the dwelling to be parked with one car per unit. Russ reported the process was to direct Staff to work with BOZAR to modify zoning and then come back with an ordinance. He asked the Council whether they wanted to look at parking for all studio apartments.

Ali Fuchs, applicant, introduced herself. She provided history and background related to her business, Big Al's. Fuchs stated she had an opportunity to build. She hoped to build two efficiency apartments that she would commit to making deed restricted rentals for employees. Her proposal would allow her to build an important piece of the housing issue. Fuchs could make housing happen with a code change to require one parking space per unit. Magner applauded that Staff was looking upon the request favorably. She thought it was a great idea. Kent Cowherd, acting as Big Al's architect, mentioned it was a good and rare example of a citizen-initiated code change, and it would be a chance to clean up the code. Cowherd gave Fuchs credit for investing in the Town. Cowherd hoped there were other zones to which the same change could happen. Russ clarified he was seeking direction on whether to pass the request on to BOZAR. Merrill supported going down the route and looking into other zones. MacMillan seconded what Magner and Cowherd said. Schmidt would be happy to send the request to BOZAR.

Haver moved and Whelan seconded a motion to advance the request to BOZAR with the condition that Staff work with the applicant and BOZAR to address Staff's initial assessment of the request. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**4) Resolution No. 11, Series 2021 - A Resolution of the Crested Butte Town Council Declaring a Local Disaster Emergency Regarding Affordable Housing.**

Russ recognized the demand for housing was almost bottomless, and there was a mismatch with supply and demand. Housing that was traditionally available went to remote workers. Russ identified that 12% of the workforce was unfilled. The emergency order would free up tools, such as funding and the ability to change the zoning ordinances. The emergency positioned the Town for grants and raised awareness. Schmidt questioned the bullet point pertaining to waiving provisions for competitive bidding and directing the Finance Director to purchase necessary supplies in the open market. Schmidt would prefer the bullet point specified related to affordable housing. MacMillan supported the resolution. He wondered whether there were drawbacks. Staff did not see a negative. MacDonald confirmed Staff's intention was to run things through Council. She was hopeful an emergency declaration would give Town a competitive nudge for funding. Schmidt reiterated the importance of adding, specifically affordable

housing, to the competitive bidding process bullet point. Haver agreed. Russ acknowledged the intent of the order was for housing. Cole Thomas was concerned about stipulations that came with State and Federal funding related to AMI. He wanted to think about rushing for funding because it might not be exactly what was wanted. Whelan spoke about funding related to AMI and Anthracite Place. She thought the resolution was step in the right direction.

Magner moved and Haver seconded a motion that the Town adopt Resolution No. 11, Series 2021 with the change to the third bullet point to clarify it is for the purpose of affordable housing. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**5) 20 3<sup>rd</sup> Street Relocation Discussion and Direction.**

**Staff Contact: Community Development Director Troy Russ**

Russ informed the Council the address was a rebranding of the Haney House. He provided background on direction given by the Council. Russ referred to the report from the architect. He identified the cost range of \$355,500 to \$425,900. Staff still thought the cost was worthwhile. Russ outlined the process and the timing. He hoped to have the building relocated and occupied by the end of the year. Merrill supported moving forward and getting a real price after the project went through BOZAR. Russ identified the house would be relocated to 10<sup>th</sup> Street on the alley. There would be space for both the house and an accessory dwelling unit. MacMillan asked about the size of the lot, and Schmidt asked about options that would affect the cost. Russ clarified the Town would own the house for affordable housing and would rent to Town employees, which would free up other housing in the market. Merrill voiced agreement with the project. Cowherd questioned the poor rating of the staircase. Russ elaborated regarding the staircase and that it would be exempt.

Haver moved and Dujardin seconded a motion to authorize Ben White Architecture to move into the design development phase of work. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**6) Resolution No. 12, Series 2021 - A Resolution of the Crested Butte Town Council Approving a Budget Request to Spend \$2,350,000 for Affordable Housing.**

**Staff Contact: Finance Director Rob Zillioux**

Schmidt read the title of the resolution. Zillioux explained Town was under contract to purchase what was The Ruby B & B. He described the building. The building had been appraised at the purchase price. Tomorrow there would be a third party inspection. The closing was scheduled for July 1<sup>st</sup>. The next steps would be to begin working on the zoning. The set up would be for seasonal employees. Zillioux confirmed the square footage for Magner. MacDonald pointed out the Town had been unable to fulfill seasonal positions, and housing would be viewed as an incentive for hiring. Schmidt questioned regarding management of the property. MacDonald would initiate the conversation with the Housing Authority. Furthermore, Telluride had a model for this



type of rental. They would be looking at modifying the parking requirements for residential use.

Dujardin moved and Haver seconded a motion to approve Resolution No. 12, Series 2021. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**7) Zoning Code Amendment Request from the Town of Crested Butte, Amending the Residential Conditional Land Uses Allowed with the T-Zone Discussion and Direction.**

**Staff Contact: Community Development Director Troy Russ**

Russ reported there were definitions of use in the T Zone and the requirement of 80% or less than the AMI. Staff was asking for a modification to the code to allow residential units in the T Zone. The AMI requirement would remain, but the change would allow public sector employees to move in. Haver asked about moving to 100% AMI. Russ confirmed it could be vetted through the process. The missing gap was 80% AMI and below. Whelan pointed out a concern among workers was that they could find themselves at a crossroads between career development and eligibility for housing. MacDonald stated the changes would be subject to a robust process. Magner asked what the rent prices for employees were, and Whelan asked whether Town had looked at the hostel. Russ noted the purpose of the T Zone was not to allow housing. It was a question of tax base. Cowherd saw an opportunity for a zone wording that would match the use. There was a discussion on AMI and salary numbers.

Haver moved and Dujardin seconded a motion to direct Staff to advance this request to BOZAR with the condition that Staff work with BOZAR and the community to address Staff's initial assessment of the report. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**8) Appointments to Boards and Committees.**

**Staff Contact: Town Clerk Lynelle Stanford**

Merrill left the meeting.

Schmidt listed the committees on which Mitchell served. Schmidt was available to serve on either RTA or Mountain Express. Whelan volunteered for Mountain Express. Schmidt affirmed he would serve on the RTA Board. Whelan felt qualified for the Grant Review Committee, and she agreed to serve on the West Elk Scenic Byway Committee.

Haver moved and Dujardin seconded a motion that Whelan would serve on Mountain Express, Grant Review Committee, and West Elk Scenic Byway Committee and Schmidt on RTA. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**COUNCIL REPORTS AND COMMITTEE UPDATES**

Mallika Magner

- The Chamber was trying to do something to put on the 4<sup>th</sup> of July. She recommended that they speak to MacDonald for assistance from the Town with people or funding. When it became clear the Town would open, they wanted to see what they could do to put on a celebration.

Jason MacMillan

- They talked about allowing dogs on Mountain Express busses. Jeremy Herzog received a lot of good feedback, and it seemed like it would happen. They were working out final recommendations.
  - Schmidt asked about whether Mountain Express would require soft muzzles, and/or registration of dogs. MacMillan thought they had been identifying issues such as potential issues with muzzles. He did not think Mountain Express would require registration.

Will Dujardin

- He referred to attachments in the packet from the OVLC meeting.
  - The document from John Cattles was well written and well thought out.
  - The Gunnison Valley Promise project was amazing.
- He was involved in the housing meeting at Butte Bagels.
- He met with candidates for the Council position.

Chris Haver

- He had an OVLC meeting. The main topics were climate action and the Gunnison Promise.

Jim Schmidt

- He had a Region 10 meeting on the 20<sup>th</sup>.
  - His big take was everyone was facing the same problems with housing, even Hotchkiss.
  - The Mayor of Telluride gave an example of a restaurant whose employees had moved away.
  - Montrose County had 68 new, single-family housing starts this year.
- The Cemetery Committee met. The committee thanked the Council for appropriating another \$4K for block markers.
  - There were some improvements needed in the cemetery for next summer that he hoped Council would consider.
- Western hosted the Mayor/Managers meeting.
  - There was a new interim president. She would not apply for the permanent job.
  - There was a presentation about the Gunnison Valley Promise.
- He sent out emails on the EOC meetings.
  - He reviewed highlights related to vaccinations.
  - Almost all positive cases affected people not vaccinated.
  - The hospital transferred three people out-of-county in the past few weeks.
- Schmidt thanked everyone for their contributions to the Town picnic.

### **OTHER BUSINESS TO COME BEFORE THE COUNCIL**

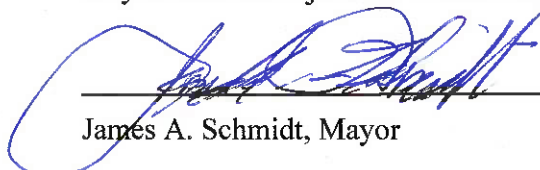
Schmidt brought up food vending, referring to comments heard from Jamie Watt during public comment. Schmidt thought it would be a good idea to have more food carts this year. He asked for a presentation from Staff, and the Council could talk about it. There was concern that the ordinance needed to be proposed more quickly, for the changes to be effective earlier in the summer. Haver confirmed there were only four vendors. The various categories of vending were discussed including: food trucks, merchandise, and farmers market. MacDonald informed the Council that the Staff did not have capacity to change the code related to food trucks this summer, and food trucks would be a much bigger discussion. Staff would present an ordinance at the next meeting proposing an increase in the number of food carts or food booths.

### **DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE**

- Monday, June 21, 2021 - 6:00PM Work Session - 7:00PM Regular Council
- Tuesday, July 6, 2021 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, July 19, 2021 - 6:00PM Work Session - 7:00PM Regular Council

### **ADJOURNMENT**

Mayor Schmidt adjourned the meeting at 10:18PM.

  
James A. Schmidt, Mayor

  
Lynelle Stanford, Town Clerk (SEAL)

